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February 24, 2006

BY E-FILE AND HAND DELIVERY

The Honorable Gregory M. Sleet
United States District Court for the District of Delaware
844 King Street
Wilmington, DE 19801

Re: Enzon Pharmaceuticals, Inc. v. Phoenix Pharmacologics, Inc., C.A. No. 04-1285-GMS

Dear Judge Sleet:

Enclosed please find the draft form of order as requested in advance of the teleconference set for March 3, 2006.

Respectfully Submitted,

/s/ John W. Shaw

John W. Shaw (#3362)

JWS/prt
Enclosure

cc: Clerk of the Court (by hand delivery)
Richard D. Kirk, Esquire (by electronic filing & hand delivery)
Joseph Lucci, Esquire (by facsimile)
Michael A. Siem, Esquire (by electronic mail)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ENZON PHARMACEUTICALS, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No. 04-1285-GMS
PHOENIX PHARMACOLOGICS, INC.,)	
)	
Defendant.)	

**ORDER CORRECTING INVENTORSHIP
OF U.S. PATENT 6,183,738 PURSUANT TO 35 U.S.C. § 256 ¶ 2**

WHEREAS, plaintiff Enzon Pharmaceuticals, Inc. (“Enzon”) filed this action for correction of inventorship under 35 U.S.C. § 256 ¶ 2 of U.S. Patent No. 6,183,738 (“the ’738 patent”) against defendant Phoenix Pharmacologics, Inc. (“Phoenix”);

WHEREAS, the inventor on the face of the ’738 Patent is Dr. Mike Clark, who was employed by Enzon from on or about April 29, 1994 to on or about April 22, 1996;

WHEREAS, Dr. Clark founded Phoenix after leaving Enzon and was an employee of Phoenix until on or about _____;

WHEREAS, while he was an employee of Phoenix, Dr. Clark assigned to Phoenix all of his right, title, and interest in and to the ’738 patent by assignment dated May 11, 1998, duly recorded in the assignment records of the U.S. Patent and Trademark Office at Reel 009198 Frame 0451;

WHEREAS, defendant Phoenix presently owns all right, title, and interest in and to the ’738 Patent;

WHEREAS, the parties to the action have taken and completed fact discovery concerning the inventorship issues raised by the Complaint;

WHEREAS, Enzon submits that inventorship of the '738 Patent should be corrected pursuant to 35 U.S.C. § 256 ¶ 2 to include as additional inventors along with Dr. Clark (i) Stanford Lee (an Enzon employee from on or about June 6, 1991 to on or about July 31, 2002) and (ii) David R. Filpula (an Enzon employee from on or about January 18, 1983 to the present);

WHEREAS, Phoenix does not object to the change in inventorship sought by Enzon.

NOW THEREFORE, at Wilmington this ____ day of _____, 2006, there being good cause to order that inventorship of the '738 Patent should be corrected pursuant to 35 U.S.C. § 256 ¶ 2 to include as additional inventors Stanford Lee and David R. Filpula, IT IS HEREBY ORDERED that:

1. The inventorship of U.S. Patent 6,183,738 shall be corrected pursuant to 35 U.S.C. § 256 ¶ 2 to include as additional inventors Stanford Lee and David R. Filpula.
2. The Clerk of the Court shall transmit a copy of this Order to the Director of the U.S. Patent and Trademark Office.

United States District Judge